THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.22736 OF 2007

DATED: 29-10-2007

BETWEEN

Maganti Venkata Satyavara Prasad
S/o. Raghavendra Rao, Occ: Cultivation,
R/o. Unikilli (V), Mandavalli (M),
Krishna District and others.

...PETITIONERS

AND

Government of Andhra Pradesh,
Rep. by its Principal Secretary,
Revenue Department, Secretariat,
Hyderabad and others.

...RESPONDENTS

ORDER:

Petitioners submits that the first petitioner purchased an extent of Ac.4.36 cents, Ac.3.11 cents, Ac.0.85 cents, Ac.0.50 cents and Ac.2.05 cents in Sy.Nos.108, 110, 111, 114 and 104 respectively situated at Unikilli Village, Mandavalli Mandal, Krishna District; the second petitioner purchased an extent of Ac.1.16 cents, Ac.1.50 cents, Ac.0.60 cents, Ac.2.00 cents, Ac.4.36 cents, Ac.3.11 cents, Ac.0.85 cents, Ac.0.50 cents and Ac.2.50 cents in Sy.Nos.116, 115, 108, 110, 111 and 114 and the third petitioner purchased an extent of Ac.0.14 cents in Sy.No.112/2; Ac.4.77 in Sy.No.122/2; Ac.2.00 cents in Sy.No.123/1 & 124/1A; Ac.2.63 cents in Sy.Nos.123/1, 123/2, 123/3, 123/4 and Ac.3.53 cents in Sy.No.113/2 respectively situated in the aforesaid village. They further submit that, while so, the Mandal Revenue Officer, Mandavalli Mandal, initiated proceedings under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of

Transfers) Act, 1977 (for short 'the Act') and passed an order under Section 4(1) of the Act in proceedings Rc.No.A2.197/2005 dated 21.07.2005 resuming the said lands on the ground that the said lands were assigned lands and the vendors of the petitioners have purchased the said lands in contravention of sub-section (2) of Section 3 of the Act.

2. The petitioners further submit that as against the said order they preferred an appeal before the Revenue Divisional Officer, Gudiwada and the same was dismissed by proceedings in D.Dis(D)803/2005 dated 03.02.2006. Aggrieved by the said order of the RDO, the petitioners filed a further appeal under Section 4-A(2) of the Act before the Joint Collector, who dismissed the appeal in Rc.E3.2099/2006 dated 20.02.2007. Against the said order the petitioners filed a revision before the Government and the Government called for records for taking further action in the matter in Memo No.53576/Asn.II(2)/07-1 dated 04.10.2007.

3. The only grievance of the petitioners is that the Government having entertained the revision is not disposing the same and even before the revision is being disposed of, the respondents 3 and 4 are taking steps to dispossess them. In fact, the petitioners questioned the order of the Joint Collector in W.P.No.10681 of 2007 and the said writ petition was dismissed as withdrawn with a liberty to approach the Government under Section 4-B(1) of the Act. The petitioners submit that they have approached the Government. As the Government entertained the revision it is for the Government to pass appropriate orders in accordance with law. As per the orders of the Joint Collector, the said lands are assigned lands assigned in favour of landless poor and the assignees have alienated the said lands in contravention of sub-section (2) of Section 3 of the Act.

4. The petitioners seek a writ of mandamus to declare the action of the

respondents 2 to 4 in taking steps to distribute the said lands even before the revision is disposed by the Government. As the revision is pending before the Government, I am not inclined to express any opinion on the merits of the case.

5. Having regard to the facts and circumstances of the case and the revision, if any, entertained by the first respondent is pending, it is appropriate to direct the first respondent to dispose the revision filed by the petitioners as expeditiously as possible without any unnecessary delay.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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V. ESWARAIAH, J

October 29, 2007
DSK